**Health Law and Ethics Syllabus Spring 2024**

Massachusetts School of Law

MSL Mission Statement

…”to provide an academically rigorous, affordable, legal education emphasizing ethics, advocacy, leadership and professional skills…”

Course information

Health Law and Ethics is a 3 credit elective course. The course will be conducted in person on Tuesday and Thursday from 6:00 pm to 7:20pm in classroom TBD.

The course is taught by Anne Jamieson, adjunct professor. Contact information [jamieson@mslaw.edu](mailto:jamieson@mslaw.edu) or 603-765-9014.

Course description

The course is designed to give you a solid understanding of the US health system, its complexities including regulations both federal and state, the role of health insurance payment in care delivery, the outside influences such as religion and technology on what care is delivered or not. Cases presented for reading will tend to be current cases and used to give you a baseline knowledge when you have a client seeking your advice as an attorney. The expectation is for active participation.

The goal and objective of this elective course is to enhance your understanding of the healthcare system and have a framework to apply your knowledge from other courses such as contracts, torts, property law, human resource law and criminal law.

Learning Resources:

Readings will be assigned each Thursdays class for the following week. Cases will be assigned within the syllabus as well as printed materials will at times be handed out in class to read for discussion the following week.

Course requirements

The majority of the course learning will take part through discussions within the classroom. It is imperative that you attend class. It is understood that at times it is impossible to make it to class, please notify professor via email or text to cell phone.

The course will only have two points of assessment on your ability to apply knowledge you are learning to a scenario presented. The assessments will take place before spring break and at the end of semester. There is NO FINAL in this course.

Course Policies

The most current Student Guidebook will be the policy for this course.

Course Calendar

As outlined in the MDL Spring 2024 calendar.

Grading

The grading will follow the MSL grading policy and standards.

Course Schedule/Topics \*Reserve the right to add additional information, change the rotation of the information, or eliminate information due the fluidity of the healthcare field.

**Week 1 Tuesday January 16th and Thursday January 18th** Introduction to the course, This week will cover the facts about healthcare, types of organizations that offer healthcare, including on-line, providers, state licensure, credentialing and privileging with an organization and with a payer. If time allows the relationships between providers and insurance and state plans (contractor relationship discussion will begin)

**Week 2 January 23rd and 25th** To understand how the payment part works, which directs care in many cases (or withholds care) is based upon the insurance of an individual. Understanding this aspect is key to understanding what may be perceived as a basis of a lawsuit. Having your own insurance cards as a reference will help you on the commercial side of healthcare payment. Governmental programs will also be included, including eligibility requirements.

**Week 3 January 30th Feb 1st** Treatment relationships, conflict of interest, privacy regulation, informed consent, ghost surgery, failure to inform, EMTALA, termination of a health care relationship. Law cases will be assigned regarding consent.

**Week 4 February 6th and 8th** Faith based medical neglect. Cases will be assigned to read for class discussion.

**Week 5 February 13th and 15th.** Organized labor force, healthcare burnout, violence of healthcare workers, staffing and hiring practices, drug testing, conflict of laws surrounding handling medications-DEA. Resident work hours and federal mandate, match day and why we have a shortage.

**Week 6 February 20th and 22nd** Credentialing and privileges-why matters if client claims a medical malpractice claim. What is an occurrence report, TJC deemed status, CFR, and role of AI in care delivery

**Week 7 February 27th and 29th** Clinical trials and phases, IRB’s , harvesting animal parts for humans, research

**Week 8 March 5th and 7th** Review topics and discussion of format for March 7th in class assessment of your knowledge

**Week 9 March 12th and 14th SPRING BREAK**

**Week 10 March 19th and 21st** Administrative law in healthcare, ABN process, D&O insurance, role of the BOT and the Medicare Participation Agreement. Fed reg Stark, Fraud and Abuse, M&A, Qui Tam role of HHS, OIG, FTC, and AG’s.

**Week 11 March 26th and 28th** Inequities in healthcare delivery, outcomes data for US providers, why state lines matter, Medicaid expansion and the role of the legal system in policy. Emergency care, EMTALA, state laws prohibiting certain treatments, public standards of care, the role of public health. Funeral directors, medical research on donated bodies. Right to die, patients’ choice, rights of children and parental rights.

**Week 12 April 2nd and 4th** Conflicts in healthcare-where do you go? Ethics committee, states, public?

**Week 13 April 9th and 11th** New initiatives in healthcare, should everyone have access to care-how about if you do not follow medical advice? Contributory negligence?

**Week 14 April 16th and 18th** Public policy and the law-Population health, public health, issue with health systems, rural America access to care, OneMedical and others-is this all we need? US ranks around number 39 in health outcomes in industrialized world countries.

**Week 15 April 23rd and 25th** The Headwinds and tail winds of the industry, the role of the law in an industry that is growing organs, utilizing AI for treatment, and finances care through mainly employer based plans-discussion.

**Week 16 April 30th and May 2nd April 30th Assessment of your knowledge.** May 2nd wrap up